

**JUDGE MARVELS**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
- - - - - xUSDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 893-33-247  
DATE FILED: 09/20/2007UNITED STATES OF AMERICA :  
-v- : INFORMATIONJAMES FOX, :  
Defendant. :  
- - - - - x

07CRIM. (GBD) 893

COUNT ONE

The United States Attorney charges:

1. From at least in or about November 2006 through and including May 16, 2007, in the Southern District of New York and elsewhere, JAMES FOX, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JAMES FOX, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five grams and more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Sections 812, 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others,

were committed in the Southern District of New York and elsewhere:

a. On or about February 14, 2007, in Manhattan, New York, JAMES FOX, the defendant, possessed more than five grams of methamphetamine.

b. On or about May 16, 2007, in Manhattan, New York, JAMES FOX, the defendant, possessed more than five grams of methamphetamine.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the foregoing controlled substance offense alleged in Count One of this Information, JAMES FOX, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property, real and personal, that constitutes or is derived, directly or indirectly, as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;

(iii) has been placed beyond the jurisdiction of the court;

(iv) has been substantially diminished in value;

or

(v) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

**JAMES FOX,**

**Defendant.**

INFORMATION

07 Cr. \_\_\_\_\_ (GBD)

(Title 21, United States Code,  
Sections 846 and 853.)

MICHAEL J. GARCIA  
United States Attorney.

9/26/07  
HLC  
Filed Waiver of Indictment and  
Information

Def. Pleas. with Atty. Thomas Dunn  
and AUSA Marshall Camp. Def.  
waives indictment and enters  
not guilty plea to information.)

PTC scheduled for 10/31/07 at 10am.  
Time excluded from 9/26/07 through  
10/31/07 in the interest of justice.  
Bail continued.

Daniels  
usdt